

IN RE: PETITION FOR SPECIAL HEARING
ZONING VARIANCE
E/S Back River Neck Road
S/S Williams Avenue
149 Back River Neck Road
15th Election District
5th Councilmanic District
Texaco Refining and Marketing, Inc.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-348-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval of an amendment to the site plans in case No. 2955-RS and No. 85-160-X and restriction No. 3 in the latter case to allow the existing food store as a use in combination with a gasoline station to sell all types of food and convenience items in lieu of the permitted sale of soda, cigarettes, candy, snacks, auto service products, pet food and wild bird seed only as previously restricted; and, pursuant to a Petition for Zoning Variance, variances from (1) Section 405.4.A.2.a to permit minimum setbacks of 4 ft. and 12 ft. from the street right of way in lieu of the required 10 ft. and 15 ft. for a proposed canopy and existing pump islands, respectively; (2) Section 405.4.A.3.a. to permit existing curb tangent lengths of 10 ft. between the existing access driveway on Back River Neck Road and the corner and 7 ft. between the existing access driveway along said road and the southerly property line in lieu of the required 20 ft. and 10 ft. respectively; (3) Section 405.4.A.3.b to allow the existing southerly driveway along Back River Neck Road to vary more than 5 degrees from a right angle with the street; (4) Section 405.4.B.4 (Section 413) to allow existing double faced signs of 150 sq. ft. and 39.2 sq. ft. respectively with a total area of 189.2 sq. ft., and two proposed double-faced spreader bar signs with a total area of 192 sq. ft. all in lieu of the

ORDER RECEIVED FOR FILING
Date 6/1/91
By Mr. Haines

ORDER RECEIVED FOR FILING
Date 6/1/91
By Mr. Haines

-2-

permitted total free standing signage of 100 sq. ft.; and to allow a total of 4 free-standing signs in lieu of the permitted maximum number of 3 free-standing signs; (5) Section 405.4.A.2.a to permit an existing sign located 1 ft. from the right of way in lieu of the required 6 ft.; and (6) Section 405.4.B.5 to permit proposed free-standing luminaries of 16 ft. in height to be located a minimum distance of 10 ft. from a residential zone in lieu of the required distance of 128 ft. from said zone, as more particularly described on Petitioner's Exhibit No. 2.

The Petitioner, by Julius Lichter, Esquire, appeared and testified. Also appearing on behalf of the Petition was Nick Commodari, Zoning Consultant. Mr. Black appeared and testified as an interested party. There were no Protestants.

Testimony indicated that the subject property known as 149 Back River Neck Road consists of .829 acres +/- split zoned B.C.-C.N.S. and D.R.5.5 and is currently improved with a gas station and accessory structures as indicated on Petitioner's Exhibit No. 1.

Proffered testified indicated that the subject site originally received zoning approval for a gas station in 1954, pursuant to case No. 2955-RS. In 1985, the subject site received a special exception, pursuant to case No. 85-160-X for a food store with less than 5,000 sq. ft. of retail sales area in combination with a service station.

The Petitioner is now desirous of upgrading the site to bring it into conformity with current corporate standards.

Proffered testimony indicated that Petitioner plans to construct a canopy over the pump islands to shelter motorists from inclement weather.

In addition, Petitioner has requested approval of the signage package and numerous variances indicated on Petitioner's Exhibit No. 2.

Concerning the requested signage, proposed sign No. 2 indicated on Petitioner's Exhibit No. 2, which is of the spreader bar variety, is clearly unnecessary and simply an over-kill for this site. It is recognized that the Petitioner must adequately advertise location and products for passing motorists, but Petitioner did not satisfactorily demonstrate that undue hardship and practical hardship would result if sign No. 2 were denied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

Except where noted, the proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in the roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special hearing should be granted, with certain restrictions as more fully described below.

The Petitioner has also requested the aforementioned variances.

ORDER RECEIVED FOR FILING
Date 6/1/91
By Mr. Haines

-3-

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted in part, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that the Petitioner would suffer a practical difficulty or unreasonable hardship if the variances were not granted in part, except where noted above. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

After reviewing all of the testimony and evidence presented, it appears that the special hearing and zoning variance relief should be granted.

ORDER RECEIVED FOR FILING
Date 6/1/91
By Mr. Haines

-4-

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of June, 1991, that the Petition for Special Hearing for approval of an amendment to the site plans in case No. 2955-RS and No. 85-160-X and restriction No. 3 in the latter case to allow the existing food store as a use in combination with a gasoline station to sell all types of food and convenience items in lieu of the permitted sale of soda, cigarettes, candy, snacks, auto service products, pet food and wild bird seed, is hereby GRANTED; and,

IT IS FURTHER ORDERED that Restriction No. 3 of case No. 85-160-X is hereby stricken and rendered null and void; and,

IT IS FURTHER ORDERED that all prior zoning cases 2955-RS and 85-160-X shall remain in full force and effect as if set forth in their entirety herein, except where said cases are inconsistent with the holding of the instant Order; and,

IT IS FURTHER ORDERED that, pursuant to a Petition for Zoning Variance, variances from Section 405.4.A.2.a to permit minimum setbacks of 4 ft. and 12 ft. from the street right of way in lieu of the required 10 ft. and 15 ft. for a proposed canopy and existing pump islands, respectively, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.3.a. to permit existing curb tangent lengths of 10 ft. between the existing access driveway on Back River Neck Road and the corner, and 7 ft. between the existing access driveway along said road and the southerly property line

ORDER RECEIVED FOR FILING
Date 6/1/91
By Mr. Haines

-5-

in lieu of the required 20 ft. and 10 ft. respectively, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.3.b to allow the existing southerly driveway along Back River Neck Road to vary more than 5 degrees from a right angle with the street, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance Section 405.4.B.4 (Section 413) to allow existing double faced signs of 150 sq. ft. and 39.2 sq. ft. respectively with a total area of 189.2 sq. ft., as indicated on Petitioner's Exhibit No. 2 is hereby GRANTED; and,

IT IS FURTHER ORDERED that the variance request from Section 405.4.B.4 (Section 413) to allow two proposed double-faced spreader bar signs with a total area of 192 sq. ft. in lieu of the permitted total free standing signage of 100 sq. ft. is hereby DENIED; and,

IT IS FURTHER ORDERED that the variance request from Section 405.4.B.4 (Section 413) to allow a total of 4 free-standing signs in lieu of the permitted maximum number of 3 free-standing signs is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.2.a to permit an existing sign located 1 ft. from the right of way in lieu of the required 6 ft. is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.B.5 to permit proposed free-standing luminaries of 16 ft. in height to be located a minimum distance of 10 ft. from a residential zone in lieu of the required distance of 128 ft. from said zone, in accordance with Petitioner's Exhibit No. 2, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

ORDER RECEIVED FOR FILING
Date 6/1/91
By Mr. Haines

-6-

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Prior to the issuance of any permits, the Petitioner shall submit to the Zoning Commissioner's office a certified site plan prepared by a Registered Professional Engineer which clearly identifies all buildings, their size and area dimensions, their exact location on the subject property, their distances from all property lines, and any other information as may be required by a certified site plan.

3. All light standards located in the grassy area on the northeast side of the subject site shall be located no further into said grassy area than 4 ft. from the bituminous curb indicated on Petitioner's Exhibit No. 2. Further, said lighting shall be erected in such a manner as to avoid the unnecessary diffusion of light onto adjoining residential properties.

4. The Petitioner shall comply with all requirements and conditions set forth in the Baltimore County Fire Department's comment of January 28, 1991.

5. Pursuant to the comment of the Deputy Director of the Office of Planning and Zoning dated March 13, 1991, the Petitioner shall submit a landscape plan to the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building permits for prior approval.

6. Petitioner shall not display any temporary signs or seasonal banners on the subject property.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

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Date 6/1/91
By Mr. Haines

JRH:mmm
cc: Peoples Counsel

-7-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 4, 1991

Julius W. Lichter, Esquire
Levin and Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-348-SPHA
Petitions for Special Hearing and Zoning Variance
Texaco Refining and Marketing, Petitioner

Dear Mr. Lichter:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

RECEIVED PLANS
RECEIVED MAR 5 1991
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section S.R.E. B.T.T.A.S.H.R.P. 91-348-SPHA

ATTACHED TO PETITION FOR ZONING VARIANCE
TEXACO REFINING & MARKETING, INC.
(1) Variance from Section 405.4A.2a. to permit minimum setbacks of 4' and 12' from the street right-of-way in lieu of the required 10' and 15' for a proposed canopy and existing pump islands, respectively;
(2) Variance from Section 405.4A.3a. to permit existing curb tangent lengths of 10' between the existing access driveway on Back River Neck Road and the corner and 7' between the existing access driveway along said road and the southerly property line in lieu of the required 20' and 10' respectively;
(3) Variance from Section 405.4A.3b. to allow the existing southerly driveway along Back River Neck Road to vary more than 5' from a right angle with the street;
(4) Variance from Section 405.4B.4 (Section 413) to allow existing double faced signs of 150 sq. ft. and 39.2 sq. ft. respectively with a total area of 189.2 sq. ft. and two proposed double-faced spreader bar signs with a total area of 192 sq. ft. all in lieu of the permitted total free standing signage of 100 square feet; AND TO ALLOW A TOTAL OF 4 FREE STANDING SIGNS IN LIEU OF THE PERMITTED MAXIMUM NUMBER OF 3 FREE-STANDING SIGNS;
(5) Variance from Section 405.4A.2a to permit an existing sign located 1' from the right-of-way in lieu of the required 6'; and
(6) Variance from Section 405.4B.5 to permit proposed free-standing luminaries of 16' in height to be located a minimum distance of 10' from a residential zone in lieu of the required distance of 128' from said zone.

1, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.
I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.
Contract Purchaser: (Type or Print Name) Signature Address City and State
Legal Owner(s): (Type or Print Name) Signature (Type or Print Name) Signature
Attorney for Petitioner: (Type or Print Name) Signature Address City and State
Julius W. Lichter, Esquire 3800 Pickett Road Phone No. 22031
Fairfax, Virginia 22031
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Julius W. Lichter, Esquire
Name
Levin & Gann
305 M. Chesapeake Ave., Towson, MD 21204
Phone No. (301) 321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 5 day of March 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3 day of May 1991, at 9 o'clock A.M.

ORDER RECEIVED FOR FILING
Date By (over) 236

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 1524 Date of Posting 7/13/91
Posted for Special Hearing to be held on 7/13/91
Petitioner: Texaco Refining & Marketing, Inc.
Location of property: 1419 Back River Neck Road, Towson, Maryland 21204
Location of Sign: 1419 Back River Neck Road, Towson, Maryland 21204
Remarks: As per Petition No. 91-348-SPHA
Posted by: [Signature]
Date of return: 7/12/91
Number of Signs: 4

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Law of Baltimore County, will hold a public hearing on the proposed Variance from Section 405.4A.2a, 405.4A.3a, 405.4A.3b, 405.4B.4 and 405.4B.5 of the Zoning Regulations of Baltimore County, at the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204, on Friday, May 3, 1991, at 9:00 A.M.
The subject property is located at 1419 Back River Neck Road, 5th Councilmanic District - 5th Councilmanic District, Baltimore County, Maryland 21204.
The proposed Variance is to allow the existing access driveway along Back River Neck Road to vary more than 5' from a right angle with the street; to allow the existing curb tangent lengths of 10' between the existing access driveway on Back River Neck Road and the corner and 7' between the existing access driveway along said road and the southerly property line in lieu of the required 20' and 10' respectively; to allow the existing double faced signs of 150 sq. ft. and 39.2 sq. ft. respectively with a total area of 189.2 sq. ft. and two proposed double-faced spreader bar signs with a total area of 192 sq. ft. all in lieu of the permitted total free standing signage of 100 square feet; AND TO ALLOW A TOTAL OF 4 FREE STANDING SIGNS IN LIEU OF THE PERMITTED MAXIMUM NUMBER OF 3 FREE-STANDING SIGNS; to permit an existing sign located 1' from the right-of-way in lieu of the required 6'; and to permit proposed free-standing luminaries of 16' in height to be located a minimum distance of 10' from a residential zone in lieu of the required distance of 128' from said zone.
A. Robert Haines
Zoning Commissioner of Baltimore County

The Times
Middle River, Md., Apr 5 1991
This is to Certify, That the annexed Page No. 91-348
90# 011286
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 24 day of April 1991
James M. Publisher.

RECEIVED PLANS
RECEIVED MAR 5 1991
91-348-SPHA
ATTACHED TO PETITION FOR ZONING VARIANCE
TEXACO REFINING & MARKETING, INC.
(1) Variance from Section 405.4A.2a. to permit minimum setbacks of 4' and 12' from the street right-of-way in lieu of the required 10' and 15' for a proposed canopy and existing pump islands, respectively;
(2) Variance from Section 405.4A.3a. to permit existing curb tangent lengths of 10' between the existing access driveway on Back River Neck Road and the corner and 7' between the existing access driveway along said road and the southerly property line in lieu of the required 20' and 10' respectively;
(3) Variance from Section 405.4A.3b. to allow the existing southerly driveway along Back River Neck Road to vary more than 5' from a right angle with the street;
(4) Variance from Section 405.4B.4 (Section 413) to allow existing double faced signs of 150 sq. ft. and 39.2 sq. ft. respectively with a total area of 189.2 sq. ft. and two proposed double-faced spreader bar signs with a total area of 192 sq. ft. all in lieu of the permitted total free standing signage of 100 square feet; AND TO ALLOW A TOTAL OF 4 FREE STANDING SIGNS IN LIEU OF THE PERMITTED MAXIMUM NUMBER OF 3 FREE-STANDING SIGNS;
(5) Variance from Section 405.4A.2a to permit an existing sign located 1' from the right-of-way in lieu of the required 6'; and
(6) Variance from Section 405.4B.5 to permit proposed free-standing luminaries of 16' in height to be located a minimum distance of 10' from a residential zone in lieu of the required distance of 128' from said zone.

MBL
3/15/91

CERTIFICATE OF PUBLICATION
TOWSON, MD., 45, 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4-4, 1991.

THE JEFFERSONIAN,
S. Zeke Publisher
\$82.08

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-348-SPHA
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plans in Case No. 2955-RS and No. 85-160-X and restriction No. 3 in the latter case to allow the existing feed store as a use in combination with a gasoline station to sell all types of food and convenience items in lieu of the permitted sale of soda, cigarettes, candy, snacks, auto service products, pet food and wild bird seed only as previously restricted.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.
I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser: (Type or Print Name) Signature Address City and State
Legal Owner(s): (Type or Print Name) Signature (Type or Print Name) Signature
Attorney for Petitioner: (Type or Print Name) Signature Address City and State
Julius W. Lichter, Esquire 3800 Pickett Road Phone No. 22031
Fairfax, Virginia 22031
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Julius W. Lichter, Esquire
Name
Levin & Gann
305 M. Chesapeake Ave., Towson, MD 21204
Phone No. (301) 321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 5 day of March 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3 day of May 1991, at 9 o'clock A.M.
J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date By (over) 236

DESCRIPTION FOR ZONING PURPOSES ONLY
Located at the southeast corner of Back River Neck Road and Williams Avenue and running the following courses and distances: South 09° 16' 31" East 27.17' thence with a radius to the right with a chord of 64.58' thence South 34° 50' 05" East 72.45' thence North 29° 47' 00" East 190.93' thence North 33° 23' 00" West 155.52' thence South 29° 47' 00" West 177.16' to the place of beginning. Also known as No. 149 Back River Neck Road and containing 0.829 acres. Saving and excepting that portion of the above property zoned DR 5.5.

91-348-SPHA
236

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353
DATE: 4/29/91
Texaco Refining & Marketing, Inc.
3800 Pickett Road
Fairfax, VA 22031
ATTN: JOSEPH G. MITCHUM
RE:
Case Number: 91-348-SPHA
E/S Back River Neck Road, S/S Williams Avenue
149 Back River Neck Road
15th Election District - 5th Councilmanic
Petitioner(s): Texaco Refining & Marketing, Inc.
HEARING: Friday, May 3, 1991 at 9:00 a.m.

Dear Petitioner(s):
Please be advised that \$222.77 is due for advertising and posting of the above captioned property.
THIS FEE MUST BE PAID AND THE ADVERTISING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.
Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R 001 61 50
Number
Date 5/3/91
Public Hearing Fees
080 - Posting signs and Advertising \$222.77
Texaco
91-348
PS101060
Please Make Checks Payable To: Baltimore County
0150040151MICHM
030405-03-01
\$222.77
Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 18, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of the Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

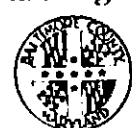
Case Number: 91-348-SPHA
2/8 Back River Neck Road, S/S Williams Avenue
149 Back River Neck Road
15th Election District - 5th Councilmanic
Petitioner(s): Texaco Refining & Marketing, Inc.
HEARING: Friday, May 3, 1991 at 9:00 a.m.

Special Hearing: An amendment to the site plans in Case No. 295-90 and No. 85-160-X and restriction No. 3 in the latter case to allow the existing food store as a use in combination with a gasoline station to sell all types of food and convenience items in lieu of the permitted sale of soda, cigarettes, candy, snacks, auto service products, pet food and wild bird seed only as previously restricted. Variance to permit minimum setbacks of 4 ft. and 12 ft. from the street right-of-way in lieu of the required 10 ft. and 15 ft. for a proposed canopy and existing pump islands, respectively; to permit existing curb tangent lengths of 10 ft. between the existing access driveways on Back River Neck Road and the corner and 7 ft. between the existing access driveway along said road and the southerly property line in lieu of the required 20 ft. and 10 ft., respectively; to allow the existing southerly driveway along Back River Neck Road to vary more than 5 degrees from a right angle with the street; to allow existing double faced signs of 150 sq. ft. and 39.2 sq. ft. respectively with a total area of 189.2 sq. ft. and permitted total free standing signage of 100 sq. ft.; and to allow a total of 4 free-standing signs in lieu of the permitted maximum of 3 free-standing signs; to permit an existing sign located 1 ft. from the right-of-way in lieu of the required 6 ft.; and to permit proposed free-standing luminaires of 16 ft. in height to be located a minimum distance of 10 ft. from a residential zone in lieu of the required distance of 128 ft. from said zone.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Texaco Refining & Marketing, Inc.
Julius W. Lichter, Esq.
Nicholas Commodari

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

April 18, 1991

887-3353

Julius W. Lichter, Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 286, Case No. 91-348-SPHA
Petitioner: Texaco Refining & Marketing
Petition for Special Hearing and
Zoning Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Joseph G. Mitchum
Texaco Refining & Marketing, Inc.
3800 Pickett Road
Fairfax, VA 22031

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this

5th day of March, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Texaco Refining & Marketing

Petitioner's Attorney: Julius W. Lichter

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: March 13, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Texaco Refining & Marketing, Item No. 286

In reference to the petitioner's request, staff offers the following comments:

Other than the variance from 405.4B4 regarding signs, staff does not oppose the applicant's request. The Baltimore County Zoning Regulations (B.C.Z.R.) permit 100 sq. ft. of signage for this site. The plan accompanying the request indicates that signs totaling 381.5 sq. ft. are proposed. Staff believes this is excessive and recommends the petitioner scale down the request.

If the petitioner's request should be granted, a landscape plan should be submitted to the deputy director of the Office of Planning and Zoning prior to the issuance of any building permits. This office recommends that prior to the development of such a plan, the petitioner should meet with the planning staff.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM286/ZAC1

received
3/19/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 20, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahnee J. Famili

SUBJECT: Z.A.C. COMMENTS

Z.A.C. MEETING DATE: March 12, 1991

Dear Mr. Haines:

This office has no comments for items number 286, 325, 329, and 330.

Rahnee J. Famili
Rahnee J. Famili
Traffic Engineer II

RJF/lvd

received
3/21/91

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

March 13, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

1. Revised petitions, descriptions and plats for #286 were submitted on 3/5/91.

7. The Fire Prevention Bureau has no comments at this time.

2. Revised petitions and plats for #184 (Case #91-252-A) were submitted on 2/27/91.

7. The Fire Prevention Bureau has no comments at this time.

Zoning Agenda: March 12, 1991

REVIEWER: *Capt. James Kelly 3-13-91* Noted and Approved *John M. J. Brady Jr. on*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 28, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: TEXACO REFINING AND MARKETING, INC.

Location: #149 BACK RIVER NECK ROAD

Item No.: 286 Zoning Agenda: JANUARY 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. All self-service stations shall have 1 attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe, and control the dispensing of Class 1 liquids while actually being dispensed. NFPA 30, 1987 ED., Sec. 7-8.4.3. and 7-8.4.4.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. James Kelly 1-28-91* Noted and Approved *John M. J. Brady Jr. on*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
1/29/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 11, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 286, 325 and 329.

For Item 184 (Case #91-252-A), the previous County Review Group Comments are applicable.

For Item 330, this site must be submitted through the minor subdivision process for review and comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: May 2, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Tobacco Refining & Marketing, Item No. 286
REVISED COMMENT

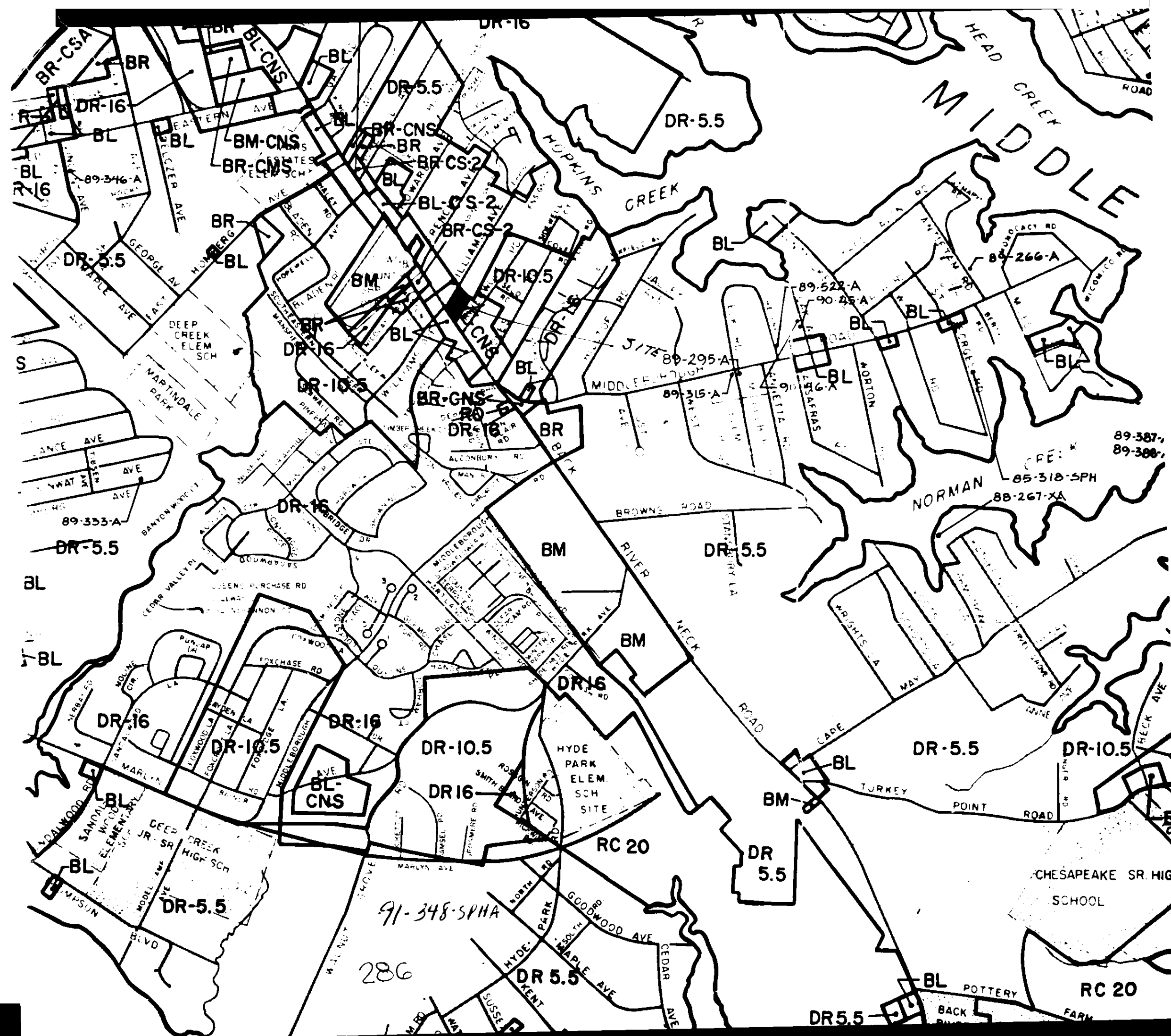
Based upon a meeting with the applicant's attorney, Kate Turner, and the review of a revised site plan, this office has no objection to the petitioner's request provided that the following conditions are met.

- Beyond the existing free-standing signs, no other signage other than the spreader bar type will be placed on the site.
- No temporary signs or seasonal banners shall be displayed.
- The applicant or their attorney will meet with the deputy director of the Office of Planning and Zoning to develop a landscape plan prior to the final determination of this matter by the Zoning Commissioner.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM286.REV/ZAC1



PETITIONER'S
EXHIBIT 4



① FROM WILLIAMS AVENUE LOOKING EAST AT FRONT OF SUBJECT PROPERTY ALONG BACK RIVER NECK ROAD.



② FROM WILLIAMS AVENUE LOOKING EAST AT REAR OF SUBJECT PROPERTY ALONG BACK RIVER NECK ROAD.



③ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.



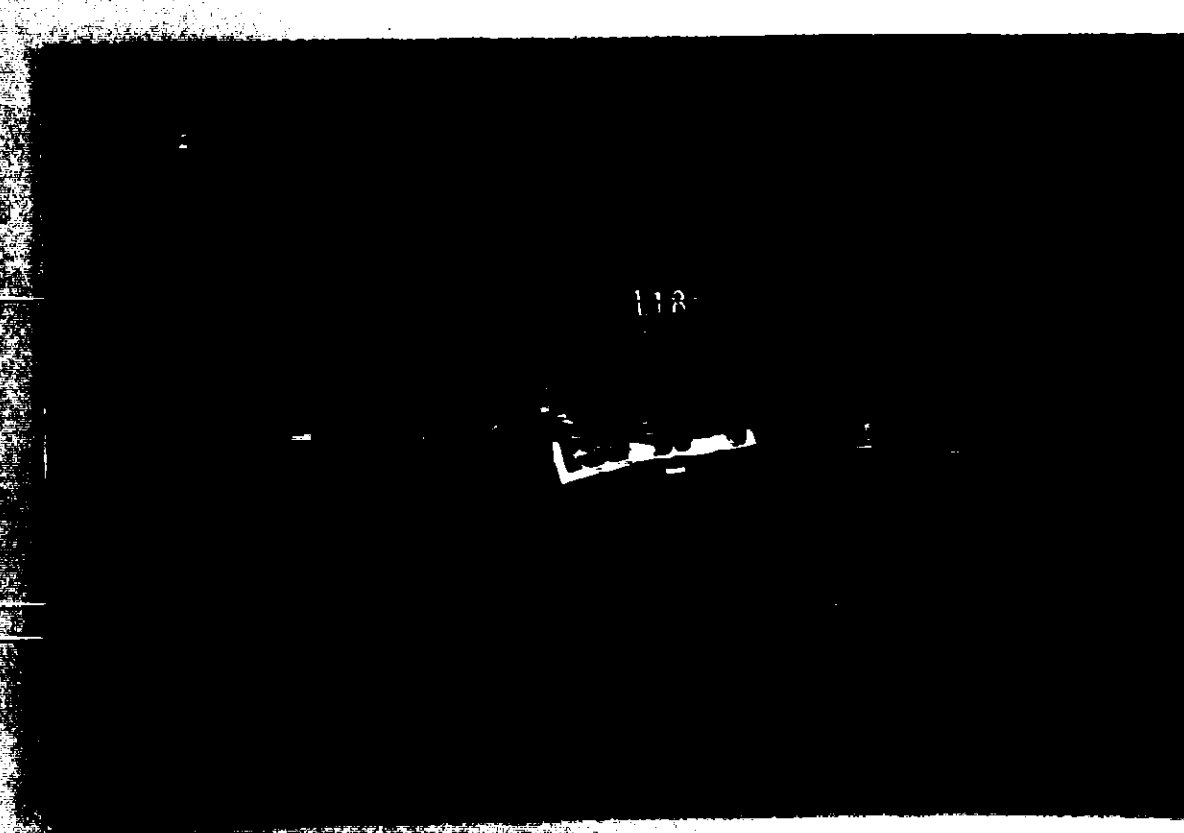
④ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.

PETITIONER'S
EXHIBIT 5

PETITIONER'S
EXHIBIT 6



⑤ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.



⑥ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.

PETITIONER'S
EXHIBIT 7



⑦ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.

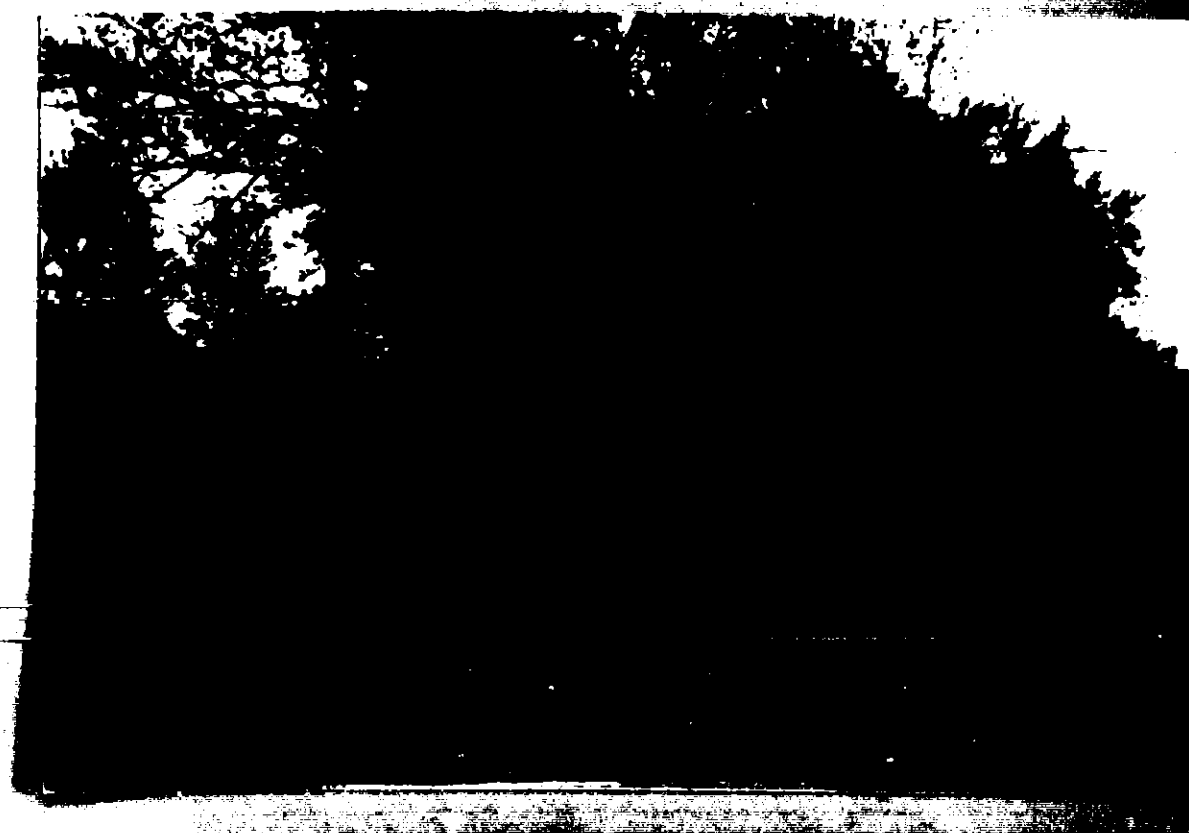


⑧ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.

PETITIONER'S
EXHIBIT 8

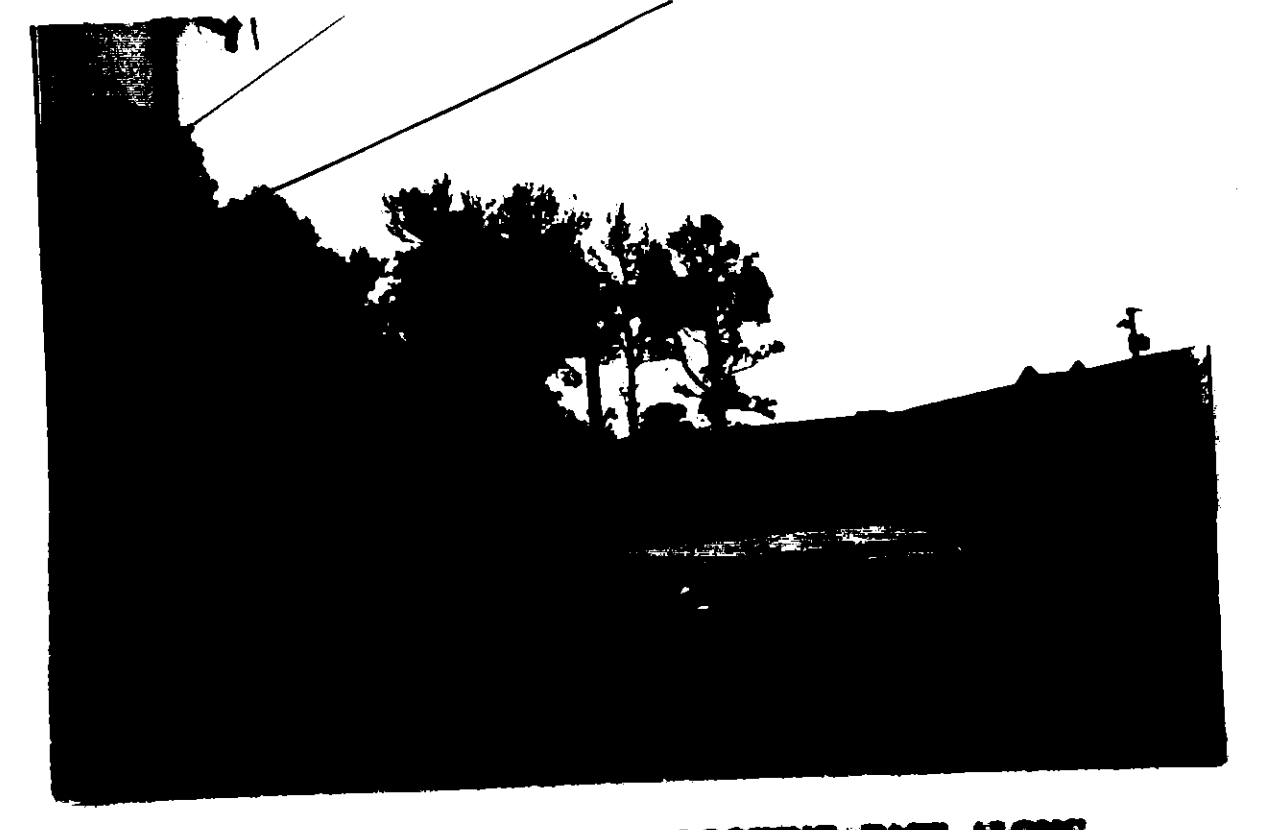


⑨ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.



⑩ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.

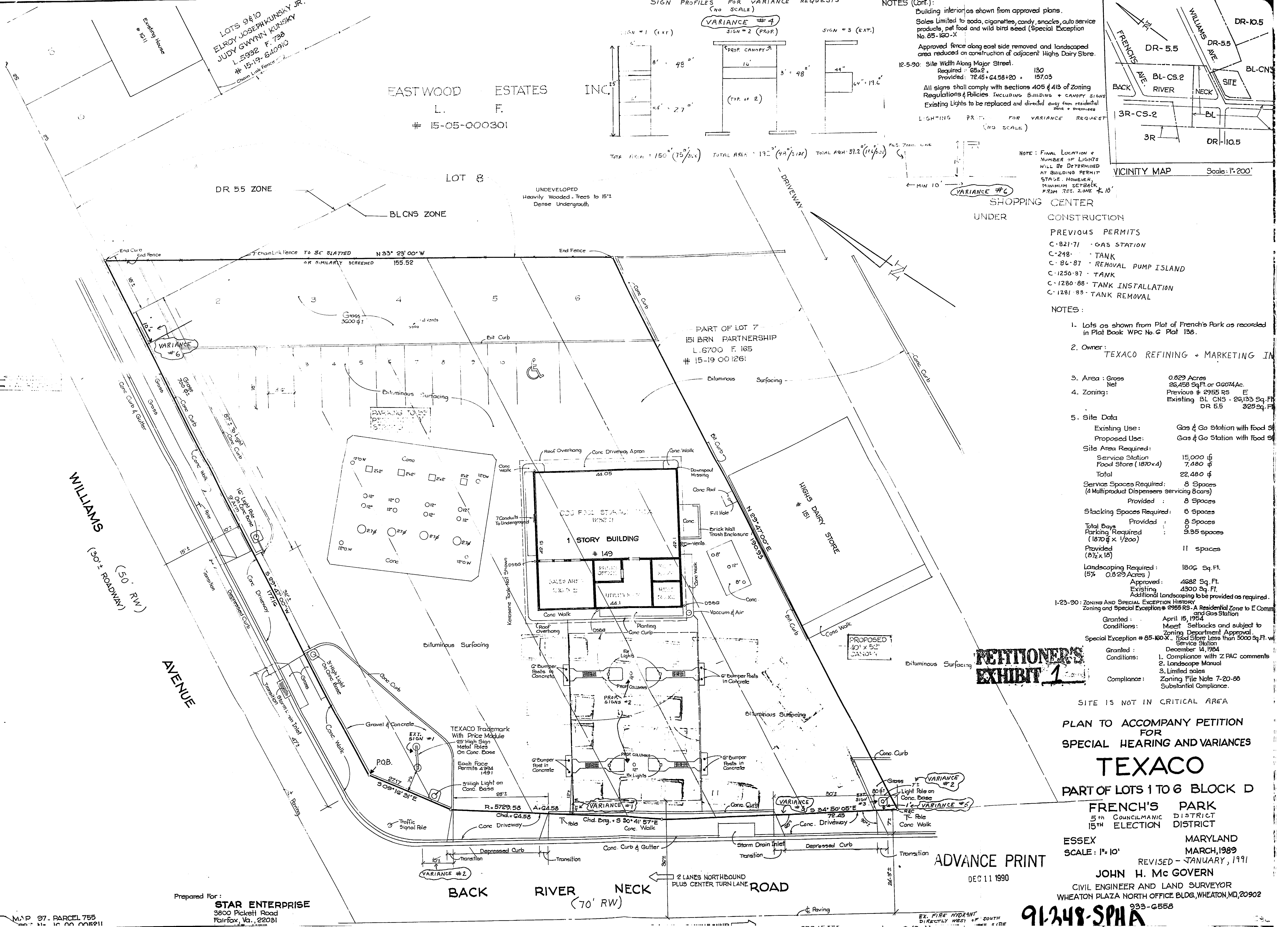
PETITIONER'S
EXHIBIT 9



⑪ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.



⑫ FROM BACK RIVER NECK ROAD LOOKING NORTH AT SIDE AND REAR OF SUBJECT PROPERTY ALONG WILLIAMS AVENUE.



SIGN PROFILES FOR VARIANCE REQUESTS
(NO SCALE)

VARIANCE #4
SIGN #2 (PROP.)

SIGN #3 (EXT.)

NOTES (Cont.):

Building interior as shown from approved plans.
Sales limited to soda, cigarettes, candy, snacks, auto service products, pet food and wild bird seed (Special Exception No. 85-160-X)
Approved fence along east side removed and landscaped area reduced on construction of adjacent High Dairy Store.
12-5-90: Site Width Along Major Street.
Required: 65x2 = 130
Provided: 72.45+64.58+20 = 157.03
All signs shall comply with sections 405 & 413 of Zoning Regulations & Policies, INCLUDING BUILDING + CANOPY SIGNS
Existing lights to be replaced and directed away from residential zone + premises
LIGHTING PLAN FOR VARIANCE REQUEST (1/2" SCALE)

NOTE: FINAL LOCATION + NUMBER OF LIGHTS WILL BE DETERMINED AT BUILDING PERMIT STAGE. HOWEVER, MINIMUM SETBACK FROM RES. ZONE 4' 10'

SHOPPING CENTER UNDER CONSTRUCTION

- PREVIOUS PERMITS
- C-821-71 - GAS STATION
 - C-248 - TANK
 - C-86-87 - REMOVAL PUMP ISLAND
 - C-1250-87 - TANK
 - C-1280-88 - TANK INSTALLATION
 - C-1281-88 - TANK REMOVAL

NOTES:

1. Lots as shown from Plat of French's Park as recorded in Plat Book WPC No. 6 Plat 138.
2. Owner: **TEXACO REFINING + MARKETING INC.**
3. Area: Gross 0.829 Acres
Net 26,458 Sq. Ft. or 0.6074 Ac.
4. Zoning: Previous # 2955 RS E
Existing BL CNS - 26,133 Sq. Ft.
DR 5.5 325 Sq. Ft.

5. Site Data

Existing Use:	Gas & Go Station with Food Store
Proposed Use:	Gas & Go Station with Food Store
Site Area Required:	
Service Station	15,000 sq. ft.
Food Store (1870x4)	7,480 sq. ft.
Total	22,480 sq. ft.
Service Spaces Required:	8 Spaces
(4 Multiproduct Dispensers servicing 8 cars)	
Provided:	8 Spaces
Stacking Spaces Required:	8 Spaces
Provided:	8 Spaces
Total Bays	8 Spaces
Parking Required (1870' x 1/200)	9.35 spaces
Provided (8 1/2 x 18)	11 spaces
Landscaping Required:	1800 Sq. Ft.
(5% 0.829 Acres)	
Approved:	4682 Sq. Ft.
Existing	4300 Sq. Ft.
Additional Landscaping to be provided as required.	

1-23-90: ZONING AND SPECIAL EXCEPTION HISTORY
Zoning and Special Exception # 2955 RS - A Residential Zone to E Comm and Gas Station
Granted: April 15, 1954
Conditions: Meet setbacks and subject to Zoning Department Approval
Special Exception # 85-160-X - Food Store Less than 3000 Sq. Ft. w/ Service Station
Granted: December 14, 1984
Conditions: 1. Compliance with ZPAC comments
2. Landscape Manual
3. Limited sales
Compliance: Zoning File Note 7-20-88
Substantial Compliance.

SITE IS NOT IN CRITICAL AREA
PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCES

TEXACO

PART OF LOTS 1 TO 6 BLOCK D

FRENCH'S PARK
5th COUNCILMANIC DISTRICT
15th ELECTION DISTRICT

ESSEX
SCALE: 1" = 10'
MARYLAND
MARCH, 1989
REVISED - JANUARY, 1991

JOHN H. Mc GOVERN

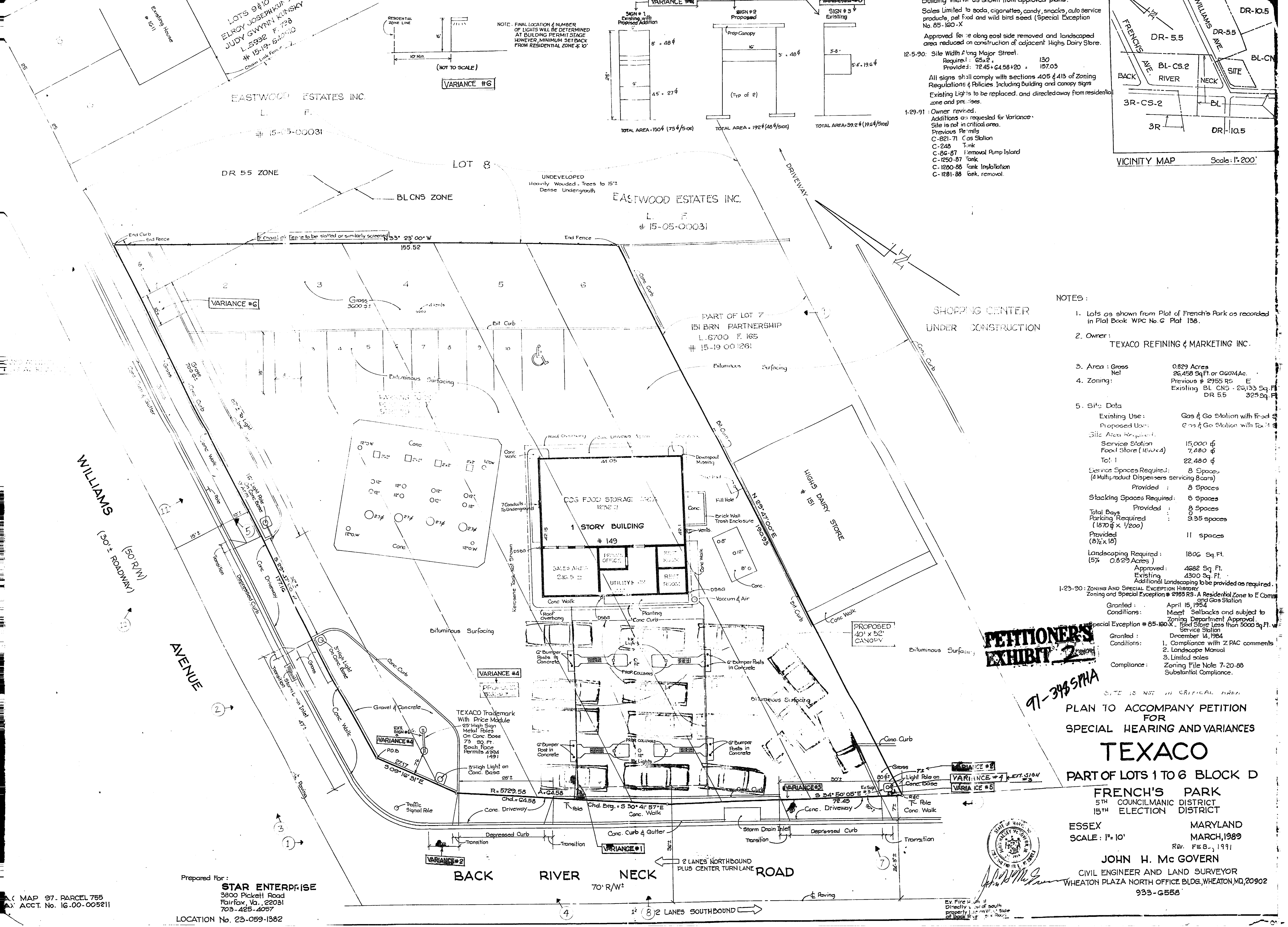
CIVIL ENGINEER AND LAND SURVEYOR
WHEATON PLAZA NORTH OFFICE BLDG., WHEATON, MD, 20902
933-G558

ADVANCE PRINT
DEC 11 1990

91-248-SPHA

Prepared For:
STAR ENTERPRISE
3800 Pickett Road
Fairfax, Va., 22031

MAP 97. PARCEL 755
200' N. 10' 00' 00" E 211'



LOTS 9&10
ELROY JOSEPH
JUDY GWYN KUNSKY
L-5992 F-738
15-19-84040

EASTWOOD ESTATES INC.
L. F.
15-05-00031

NOTE: FINAL LOCATION & NUMBER
OF LIGHTS WILL BE DETERMINED
AT BUILDING PERMIT STAGE
HOWEVER, MINIMUM SETBACK
FROM RESIDENTIAL ZONE & 10'

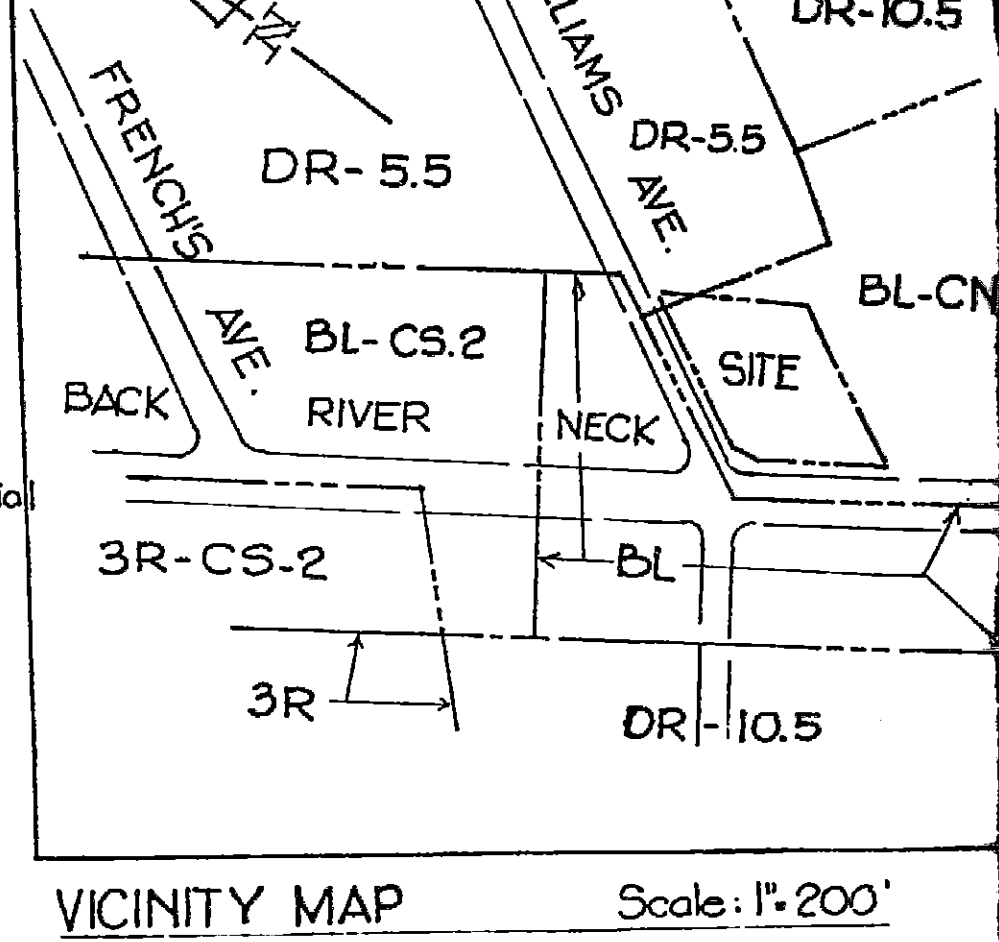
VARIANCE #6

SIGN #1
Existing with
Proposed Addition
TOTAL AREA = 150' (75' x 50')

SIGN #2
Proposed
TOTAL AREA = 192' (48' x 50')

SIGN #3
Existing
TOTAL AREA = 39.2' (19.6' x 50')

Building materials shown from approved plans.
Sales limited to soda, cigarettes, candy, snacks, auto service products, pet food and wild bird seed (Special Exception No. 85-160-X)
Approved fence along east side removed and landscaped area reduced on construction of adjacent High Dairy Store.
12-5-90: Site Width Along Major Street.
Required: 65x2 = 130
Provided: 72.45 + 64.58 + 20 = 157.03
All signs shall comply with sections 405 & 413 of Zoning Regulations & Policies. Including Building and canopy signs
Existing Lights to be replaced, and directed away from residential zone and premises.
1-29-91: Owner revised.
Additions as requested for Variance.
Site is not in critical area.
Previous Permits:
C-821-71 Gas Station
C-248 Tank
C-86-87 Removal Pump Island
C-1250-87 Tank
C-1280-88 Tank Installation
C-1281-88 Tank removal.



- NOTES:
1. Lots as shown from Plat of French's Park as recorded in Plat Book WPC No. G Plat 138.
 2. Owner: TEXACO REFINING & MARKETING INC.
 3. Area: Gross 0.829 Acres
Net 26,458 Sq. Ft. or 607,440 Sq. Ft.
 4. Zoning: Previous # 2955 RS E
Existing BL CNS - 26,133 Sq. Ft.
DR 5.5 325 Sq. Ft.
 5. Site Data
Existing Use: Gas & Go Station with Food Store
Proposed Use: Gas & Go Station with Food Store
Service Station 15,000 sq. ft.
Food Store (18'0" x 4') 7,080 sq. ft.
Total 22,480 sq. ft.
Service Spaces Required: 8 Spaces
(4 Multiproduct Dispensers servicing 8 cars)
Provided: 8 Spaces
Stacking Spaces Required: 8 Spaces
Total Bays Provided: 8 Spaces
Parking Required (18'0" x 1/200): 9.35 spaces
Provided (8 1/2 x 18): 11 spaces
Landscaping Required: 1806 Sq. Ft.
(5% 0.829 Acres)
Approved: 4682 Sq. Ft.
Existing: 4300 Sq. Ft.
Additional Landscaping to be provided as required.
- 1-23-90: ZONING AND SPECIAL EXCEPTION HISTORY
Zoning and Special Exception # 2955 RS - A Residential Zone to E Comm and Gas Station
Granted: April 15, 1954
Conditions: Meet setbacks and subject to Zoning Department Approval
Special Exception # 85-160-X - Food Store Less than 5000 Sq. Ft. w/ Service Station
Granted: December 14, 1984
Conditions: 1. Compliance with Z. PAC comments
2. Landscape Manual
3. Limited sales
Compliance: Zoning File Note 7-20-88
Substantial Compliance.

PETITIONERS' EXHIBIT 2

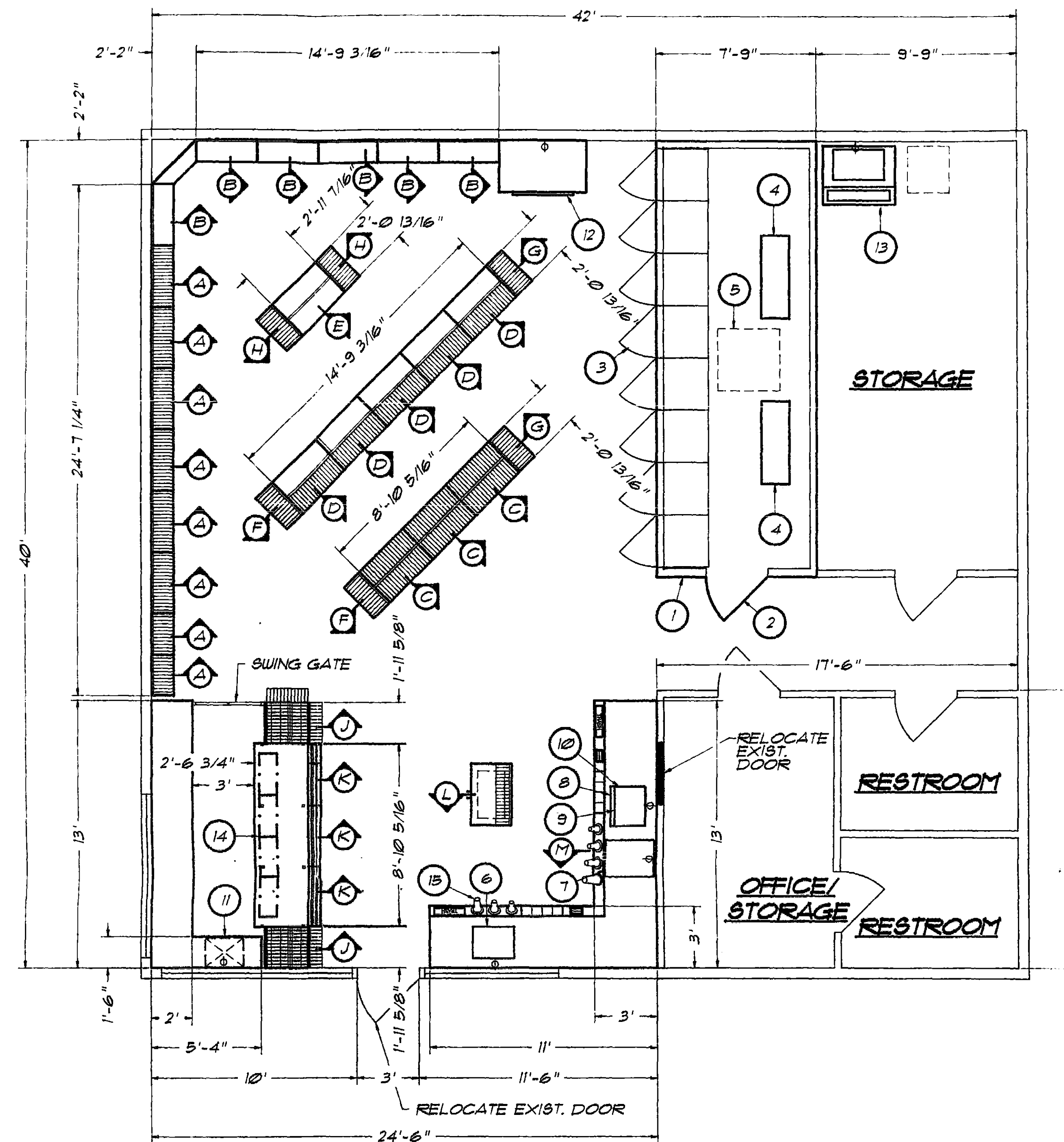
91-345 SPHA

SITE IS NOT IN CRITICAL AREA
PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCES
TEXACO
PART OF LOTS 1 TO 6 BLOCK D
FRENCH'S PARK
5TH COUNCILMANIC DISTRICT
15TH ELECTION DISTRICT

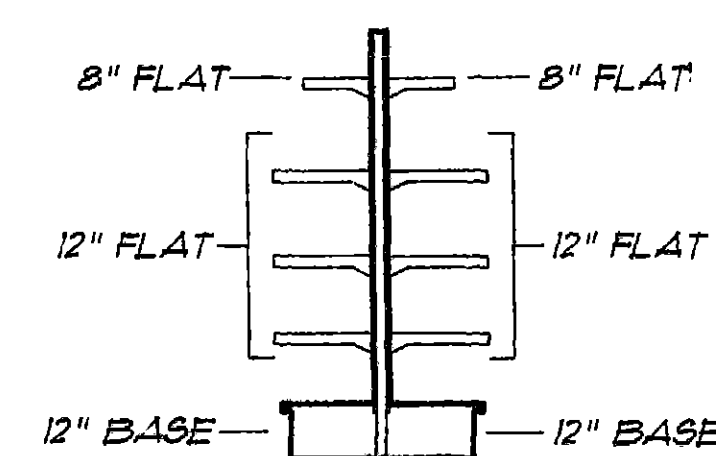
ESSEX SCALE: 1" = 10'
MARYLAND MARCH, 1989
REV. FEB., 1991
JOHN H. Mc GOVERN
CIVIL ENGINEER AND LAND SURVEYOR
WHEATON PLAZA NORTH OFFICE BLDG., WHEATON, MD, 20902
933-G558

Prepared For:
STAR ENTERPRISE
3800 Pickett Road
Fairfax, Va., 22031
703-425-4057
LOCATION No. 23-059-1382

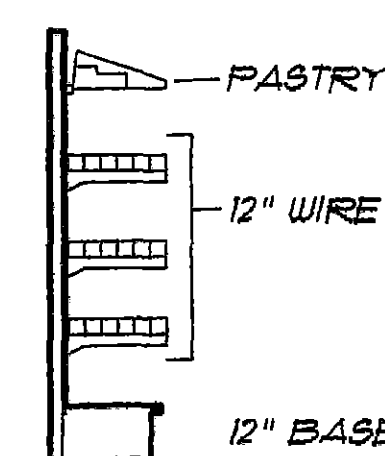
MAP 97. PARCEL 755
ACCT. No. 16.00-005211



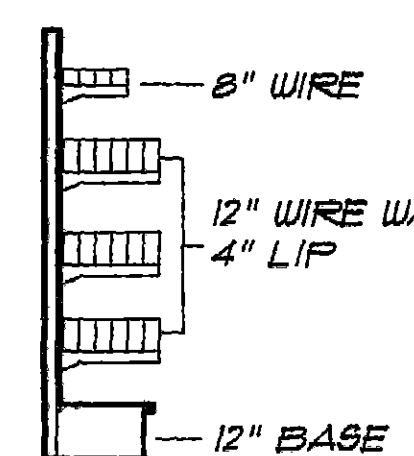
PLAN



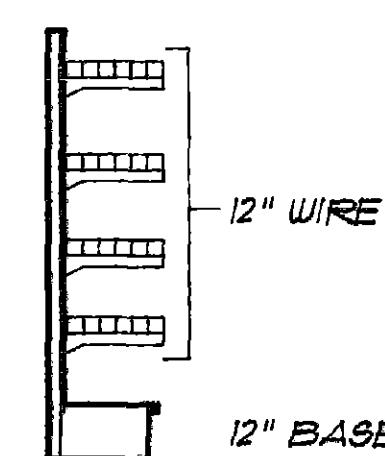
SECTION E



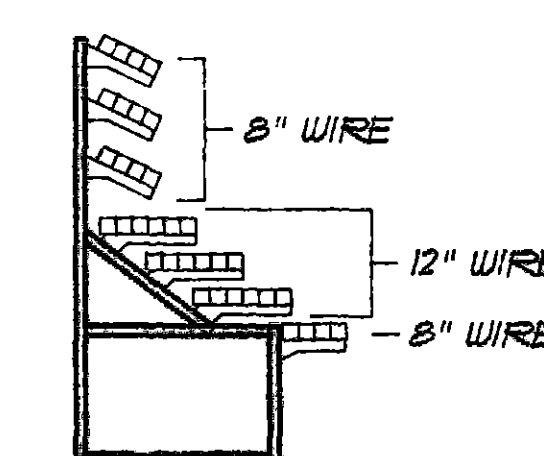
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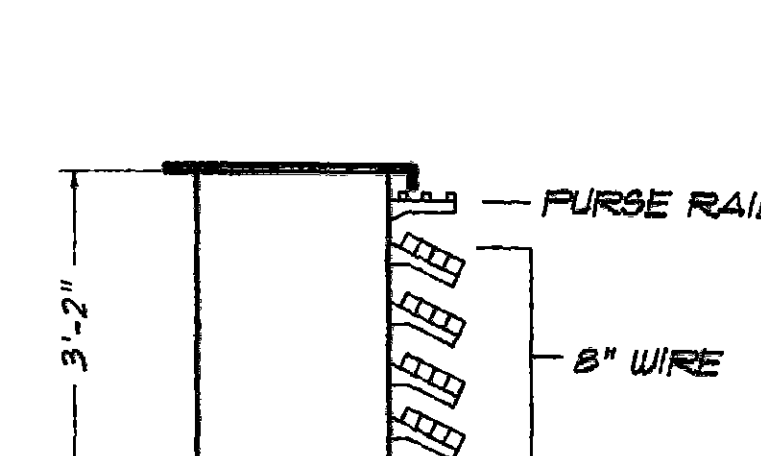
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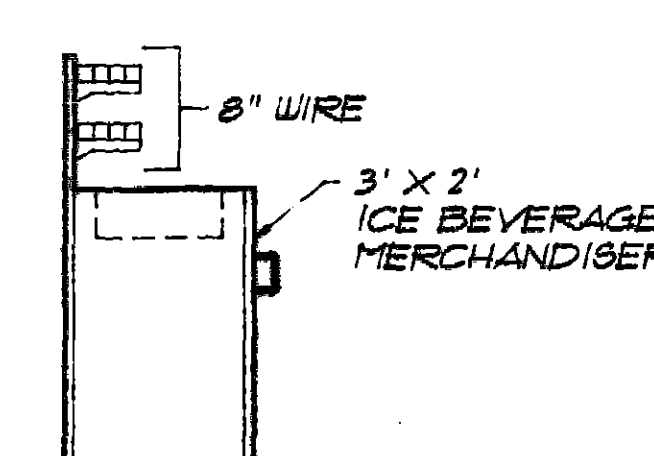
SECTION H



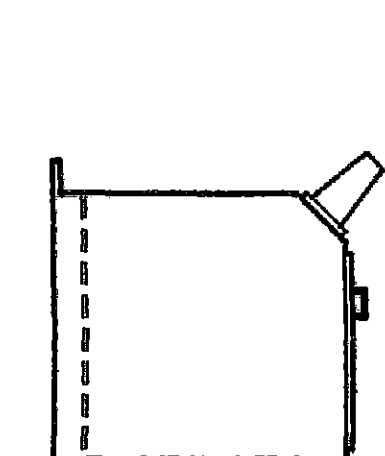
SECTION J



SECTION K

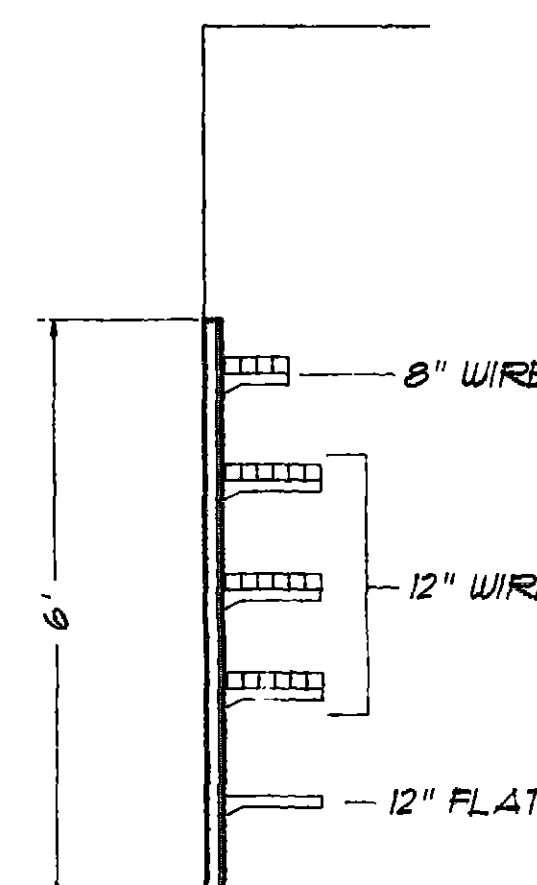


SECTION L

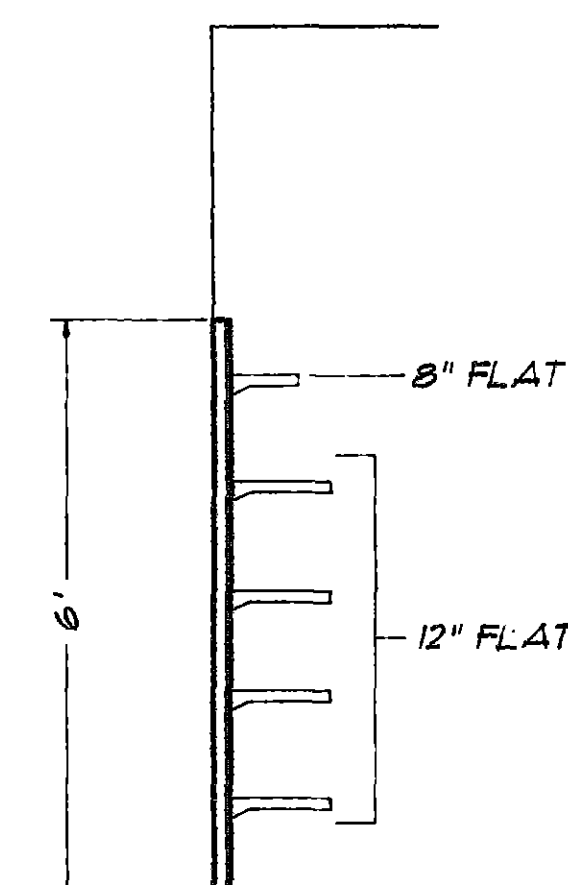


SECTION M

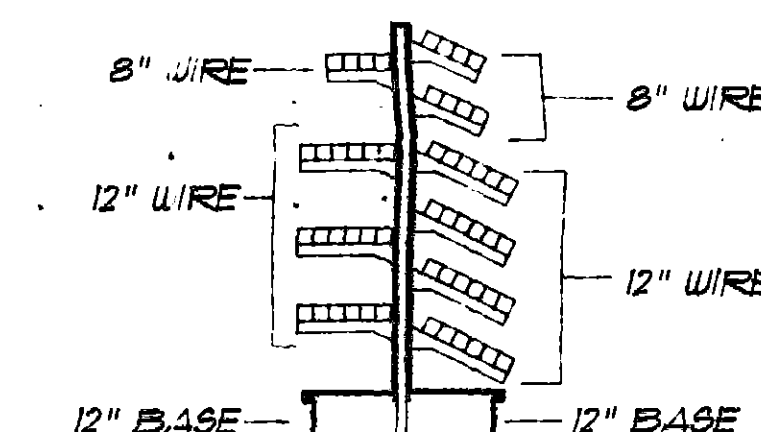
EQUIPMENT LIST		
ITEM	DESCRIPTION	ELECTRICAL
1	7'-9" X 20'-3 1/4" X 8'-1 3/4" UN. WALK IN COOLER, LESS FLOOR	110 V FOR VAPOR PROOF LIGHT
2	30" X 80" SWINGLINE 3 ARDCO ALL GLASS COOLER WALK-IN DOOR W/ WINDOW	HEATER-DOY, 11 A LIGHTS-230 V, 0.3 A
3	(8) 30 1/4" X 73" SWINGLINE 3 ARDCO COOLER DOORS W/ 9 SHELVES PER DOOR	HEATER-DOY, 31 A LIGHTS-230 V, 24 A
3A	120 (14285F001) ARDCO SHELF DIVIDERS W/ LOCKS	N/A
3B	120 (14287F001) ARDCO SIDE GUARDS	N/A
3C	25 (17439F001) ARDCO BACK GUARDS	N/A
3D	150 (16252F001) ARDCO END GUARDS	N/A
3E	40 (14281F001) ARDCO FRONT GUARDS	N/A
3F	120 (13316F001) ARDCO SHELF GLIDE STRIPS	N/A
4	(2) EVAPORATOR COILS	115 V
5	WALK-IN COOLER CONDENSING UNIT	208-230 V
6	RL-35 BUNN-O-MATIC COFFEE MAKER	120/208 V, 20 A
6A	(6) 6100 BUNN-O-MATIC BEAKERS	N/A
7	RENCOR (MDL. TJ-92) 6 VALVE DRINK/ICE DISPENSER	115 V, 1 P, 30 A
8	STAR (MDL. 98T-25) HOT DOG BUN WARMER	120/240 V, 2.9/1.5 A
9	STAR (MDL. 25) HOT DOG ROLLER GRILL	120/240 V, 3.6/4.8 A
10	STAR (MDL. 255G-FC) SNEEZE GUARD	N/A
11	TIDEL TACC II 2300 CASH CONTROLLER	110 V, 10 A (DEDICATED CIRCUIT)
12	40-AD-8D LEER ICE MERCHANDISER (NO GRAPHICS)	115 V, T2 A
13	EY-0494N MANITOWOC ICE MAKER ON JC-400 ICE BIN W/ AC-0495A CONDENSER	115 V, 21.5 A
13A	KLO-2 KWIK LOK TIE DISPENSER	N/A
13B	B-28 E-Z BAGGER	N/A
13C	KLC KWIK LOK TIES	N/A
13D	KLC-2 KWIK LOK TIE DISPENSER	N/A
13E	(2) BG-8 JEFFREYS PLASTIC BAGS	N/A
14	(4) STAK PAK CIGARETTE RACKS W/ COUPLER KIT	N/A
15	(7) ROYSTON (MDL. RSG-170) CUP DISPENSERS	N/A



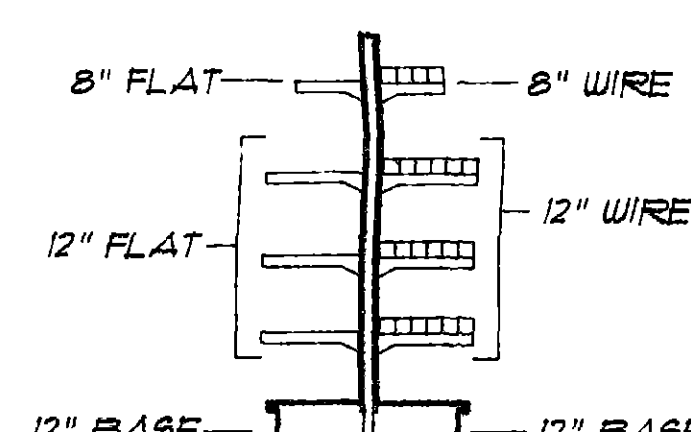
SECTION A



SECTION B



SECTION C



SECTION D

PEITIONER'S
EXHIBIT 3

PEITIONER'S
EXHIBIT 3

91-348 SPHA

OCT 09 1990

 8827 signet drive Houston, Texas 77041 (713) 466-4283	
This presentation drawing is not intended for construction purposes and is the property of Jeffreys Cabinet Company. Reproduction or reuse is prohibited without written permission from the company.	
Revisions 1 2 3 4 5 6	STAR ENTERPRISE 149 BACK RIVERNECK ESSEX, MARYLAND Goldsboro, N.C. Drawn By: M. Moore Scale: 1/4" = 1'-0" Date: 10/14/90 Drawing No.: JF124